

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT DAVID SCHOFIELD and MAGDALENA VAN VEEN

Application 10/040,172

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences (BPAI) on September 9, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellant filed an Appeal Brief on December 20, 2004 appropriately under 37 CFR § 41.37. However, the Examiner's Answer mailed March 18, 2005, does not comply with the headings as set forth in the new rules under 37 CFR § 41.37(c). Therefore, a revised examiner's answer that corresponds to the new rules under 37 CFR § 41.37 required.

Another issue that needs attention by the examiner is the Information Disclosure Statement (IDS) filed August 30, 2002. Although the examiner has initialed next to the references cited on the form 1449 of the IDS, the examiner neglected to sign and date the form. Correction is required.

Application No. 10/040,172

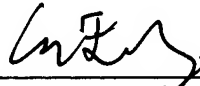
Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to vacate the Examiner's Answer mailed March 18, 2005, and issue a revised Examiner's Answer that corresponds to the new rules under 37 CFR § 41.37 as set forth in (MPEP) § 1207.02 (8th ed., Rev. 3, August 2005);
- 2) to sign and date the 1449 of the IDS filed August 30, 2002; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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